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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,413	07/27/1999	MITSUO NIIDA	35.C13685	5490

5514 7590 08/04/2004

FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

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DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/361,413

Applicant(s)

NIIDA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 25-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 26, 2004 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 25 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant has amended the claim to include the limitation of selecting a shape and an area of the selected shape. Based on the newly amended claim, a new grounds of rejection has been presented below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 25-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (U.S. Patent No. 6,313,875) in view of Ueno et al. (U.S. Patent No. 5,625,415).

6. Regarding *claim 25*, Suga discloses an apparatus for remotely controlling a camera that allows a user to select a desired area within an image in which to control processing. More specifically, the system includes a plurality of cameras (2, 7, 12) and a plurality of terminals (3, 8, 13). A user at one of the terminals is capable of controlling any of the cameras. As shown in Figure 5, the user is capable of selecting any of the inputs and controlling the image from the camera using the menu (105). Furthermore, as shown in Figure 12A-12D, the user is able to select a range within the image and displaying the range selected by the user. See column 10, lines 18-44. This step serves as the area selection step since a size of the frame is being determined. Furthermore, after the user sets the frame size, a command is sent to the camera informing it of the size of the frame that has been set (col. 10, lines 5-8). The user can then set any one of an exposure, focus, or white balance according to the selected area of the image. The user is able to form an image based on the white balance of the selected area thus, forming a better image. Therefore, it would have been obvious to one of ordinary skill in the art to remotely control a camera by selecting an area within an image in which to control the processing of the image so that a high quality image is formed.

Suga, however, fails to specifically disclose a shape selection step for selecting the shape of a frame to be set within the captured image. Ueno, on the other hand, discloses that it is well known in the art to select the shape of an area to be set within in an image. More specifically, as disclosed in column 9, lines 12-52, and Figures 5-9 and 14-18, Ueno discloses the ability to select either a window or a point within the image in order to designate an area in which to

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perform autoexposure or autofocus. This feature allows a user to select various areas and ranges within an image in which to perform autoexposure or autofocus, thereby providing the user with a plurality of options to perform these operations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the camera of Suga to select various shapes within an image in which to perform autoexposure or autofocus.

7. As for *claim 26*, Suga discloses that the frame is a rectangle. Ueno discloses that the frame can be either a rectangle or a single pixel.

8. With regard to *claim 27*, Suga discloses that the frame is displayed on the display on top of the captured image.

9. Regarding *claim 28*, Suga discloses the ability to select a type of operation to be performed using the designated frame area. Suga discloses that any one of exposure, focus, and white balance, can be performed on the image using the selected area. After the area and operation are selected, they are transferred to the camera. See column 10, lines 5-8.

10. As for *claim 29*, Suga discloses that any one of exposure, focus, and white balance can be performed on the image using the selected area.

11. With regard to *claim 30*, Suga discloses that the frame is displayed on the display on top of the captured image.

12. *Claim 32* includes the added limitation upon claims 25-30, in which a control apparatus, which includes a communication unit and a control unit, are adapted to perform any of the method of claims 25-31. As shown in Figure 2 of Suga, each terminal includes a system control circuit (122) coupled to a network interface circuit (125) for communicating with the other terminals.

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13. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Suga et al. (U.S. Patent No. 6,313,875) in view of Ueno 5,625,415
and further in view of Kawamura et al. (U.S. Patent No. 6,522,354).

14. Regarding *claim 31*, as mentioned above in the discussion of claim 30, both Suga and Ueno disclose all of the limitations of the parent claim. However, neither of the aforementioned references discloses changing a color of the frame depending on the determined function. Kawamura, on the other hand, discloses that it is well known in the art to display frames in different colors depending upon a selected action. More specifically, Kawamura discloses the thumbnail images can be displayed using different color frames depending on where the image was transferred. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made change the frame in Suga depending upon whether the action to be taken is exposure, focus, or white balance, so that the user is visually informed on what action will be taken on the designated area.

15. As for claim 32, see the discussion of claim 32 above.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- *Leone et al. (U.S. Patent No. 5,596,346)* discloses the ability to select areas of selected shapes within an image in which to perform image processing. See column 1, lines 53-67.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

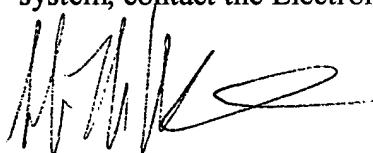
(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
July 15, 2004



NGOC-YENVU
PRIMARY EXAMINER